

SEALED

UNITED STATES DISTRICT COURT **FILED**
for the

Northern District of Texas

October 7, 2020

KAREN MITCHELL
CLERK, U.S. DISTRICT COURT

United States of America

v.

Jose Diaz

) Case No.

3:20-MJ-

3:20-MJ-1083-BT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in the county of _____ in the

Northern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. § 841(a)(1) Possession with intent to distribute a controlled substance

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

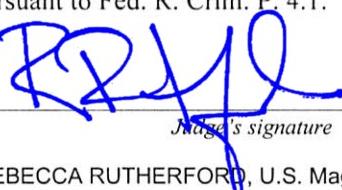

Complainant's signature

James A. Henderson, Jr., DEA Special Agent

Printed name and title

Agent sworn and signature confirmed via reliable electronic means, pursuant to Fed. R. Crim. P. 4.1.

Date: October 7, 2020


Judge's signature

City and state: Dallas, Texas

REBECCA RUTHERFORD, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT OF SPECIAL AGENT JAMES HENDERSON IN SUPPORT OF
APPLICATION FOR ARREST WARRANT**

I, James A. Henderson Jr., a Special Agent with the Drug Enforcement Administration, being duly sworn, state as follows:

AFFIANT'S EXPERIENCE

Your Affiant has been employed as a Special Agent with Drug Enforcement Administration since 1995. I am currently assigned to the DEA Dallas Field Office. As part of my official duties, I have been involved in numerous drug trafficking investigations, including gang and firearms related investigations. I have training and experience in the execution of search and arrest warrants, Title III investigations, and the debriefing of defendants, informants, and witnesses. I have received training regarding the manner in which drug traffickers obtain, finance, manufacture, transport, store, and distribute illegal drugs. I am familiar with the methods utilized by drug traffickers to conduct their business. I have utilized various investigative techniques including physical surveillance, undercover operations, the use of confidential informants, and wire intercepts. Further, I have participated in numerous interviews with defendants, confidential informants, witnesses, and others involved in illegal drug activity.

PURPOSE OF AFFIDAVIT

This affidavit is made in support of an application for a criminal complaint for Jose DIAZ. I have probable cause to believe that on or about October 06, 2020, Jose DIAZ, did knowingly and intentionally possess with intent to distribute a mixture or

substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

THE INVESTIGATION – FACTUAL BACKGROUND

Because this affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to establish probable cause of a violation of federal criminal offense, specifically 21 U.S.C. § 841(a)(1).

PROBABLE CAUSE

The Drug Enforcement Administration, Dallas HIDTA 1, and the Dallas Police Department Narcotics Unit (DPD) have been investigating the drug trafficking activities of Jose DIAZ.

On October 05, 2020, Dallas Police Detective K. Whitworth, while working in an undercover capacity, negotiated the future purchase of nine ounces of methamphetamine and one ounce of powder cocaine from DIAZ. On October 06, 2020, at approximately 3:50 PM, Detective Whitworth met with DIAZ in the parking lot of LA Fitness, located at 655 W. Illinois Avenue, Dallas, Dallas County, Texas. DIAZ entered the front passenger seat of Detective Whitworth's vehicle. DIAZ delivered a Ziploc freezer bag containing suspected methamphetamine to Detective Whitworth. The Ziploc bag was contained inside a Walmart grocery bag. DIAZ told Detective Whitworth that he was unable to obtain the powder cocaine. DIAZ told Detective Whitworth that he would get two ounces of powder cocaine at a later date, and sell them to Detective Whitworth for

\$1200.00 an ounce. Detective Whitworth handed DIAZ \$3,420.00, in pre-recorded U.S. Currency, to complete the transaction for the nine ounces of methamphetamine. DIAZ then exited Detective Whitworth's vehicle.

Detective Whitworth utilized an audio/video recording device during the purchase of the methamphetamine.

Once DIAZ exited Detective Whitworth's vehicle, DIAZ walked to El Rancho Supermarket, located at 907 Wynnewood Drive, Dallas, Dallas County, Texas. DIAZ was arrested, without incident, inside El Rancho Supermarket. At the time of his arrest, DIAZ was in possession of the \$3,420.00, pre-recorded U.S. Currency, that Detective Whitworth used to purchase the methamphetamine.

At El Rancho Supermarket, while being audio and video recorded, DIAZ was advised of his rights, per Miranda, by Dallas Police Detective J. Standard. DIAZ was cooperative and understood his rights. At approximately 6:53 PM, Special Agent (SA) James Henderson and Detective Standard interviewed DIAZ, at Dallas Police Headquarters. The interview was audio/video recorded. SA Henderson asked DIAZ if he remembered his rights that were explained to him by Detective Standard, to which DIAZ replied in the affirmative. During the interview, DIAZ admitted to selling the nine ounces of methamphetamine to Detective Whitworth.

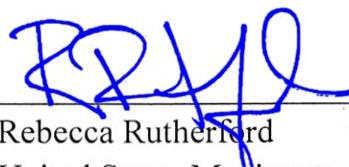
Detective Whitworth conducted a presumptive field test of the suspected methamphetamine which showed positive results for the presence of methamphetamine, as witnessed by Dallas Police Sgt. D. Fogle. The weight of the suspected methamphetamine and packaging was 247.8 grams.

Based on the information set forth in the application, I believe that there is probable cause to believe that on or about October 06, 2020, Jose DIAZ did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 841(a)(1).



James A. Henderson Jr.
Special Agent
Drug Enforcement Administration

Agent sworn and signature confirmed via reliable electronic means on October __, 2020, pursuant to Fed. R. Crim. P. 41(d)(3).



Rebecca Rutherford
United States Magistrate Judge
Northern District of Texas